

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AVION STINSON,
Plaintiff,
-against-
THE CITY OF NEW YORK, et al.,
Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 1/28/20

18-CV-0027 (LAK) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

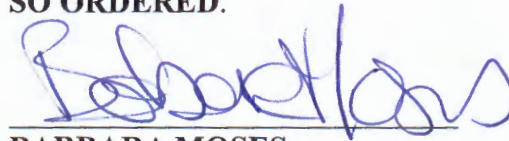
The summary judgment motion pending at Dkt. No. 94, filed by defendants City of New York, Ponte, Murphy, Blake, Ambrose, Rothwell, and Lopez, seeks summary judgment "as to all claims asserted in the complaint," *See* Def. Mem. (Dkt. No. 98), at 1, referencing plaintiff's original Complaint (Dkt. No. 6). That Complaint asserted one claim pursuant to 42 U.S.C. § 1983 against all of the individual defendants named therein, principally alleging excessive force and denial of adequate medical care, and a second claim, pursuant to *Monell v. Dep't of Social Services*, 436 U.S. 658 (1978), against the City. Defendants' motion papers do not address the Amended Complaint (Dkt. No. 33), which includes expanded factual allegations and asserts three additional claims, pursuant to § 1983, the New York State Human Rights Law, and the New York City Human Rights Law, respectively, for discrimination based on sex, gender, and/or sexual orientation. *See* Amend. Compl. ¶¶ 26, 66-77.

The moving defendants shall advise the Court in writing, no later than January 31, 2020, whether they wish to (a) stand on their pending motion for summary judgment or (b) withdraw it without prejudice to refiling a motion addressed to the claims framed by the Amended Complaint.

The Clerk of Court is respectfully directed to mail a copy of this Order to plaintiff Avion Stinson.

Dated: New York, New York
January 28, 2020

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge